



AMENDATORY ORDINANCE

No. 2018-18

Creating Chapter 3: Broadband Network Projects in Title 9 of the Bayfield County Ordinances

WHEREAS, Wisconsin Statutes §59.03(2) provides that, except as elsewhere specifically provided in the statutes, the board of any county is vested with all powers of a local, legislative and administrative character; *and*

WHEREAS, Wisconsin Statutes §59.02(2) permits the enactment of ordinances by the County Board of Supervisors; *and*

WHEREAS, Section 2-2-3, Code of Ordinances, Bayfield County, Wisconsin, authorizes County Board committees or individual supervisors to introduce proposed ordinances; *and*

WHEREAS, it is deemed to be in the best interest of the County of Bayfield to create Chapter 3: Broadband Network Projects in Title 9 "Licenses" of the Code of Ordinances, Bayfield County, Wisconsin; *and*

WHEREAS, it is deemed to be in the best interest of the County of Bayfield that the Code of Ordinances, Bayfield County, Wisconsin, be further modified and amended in the manner hereinafter set forth.

NOW, THEREFORE, the Bayfield County Board of Supervisors does hereby ordain as follows:

Section 1. Chapter 3 [Broadband Network Projects] of Title 9 [Licensing] of the Code of Ordinances, Bayfield County, Wisconsin is hereby created to read as follows; with additions highlighted by the double underline feature (additions):

TITLE 9 – Chapter 3

Broadband Network Projects

Sec. 9-3-1 General Provisions

(a) General Provisions.

(1) **Purpose and policy.** The purpose of this chapter is to encourage the development of broadband access in Bayfield County by reducing administrative obstacles to broadband service providers and coordinating the review of applications to ensure such applications are timely processed. This chapter shall at all times be construed consistent with the aforestated purpose.

(2) **Definitions.** In this chapter:

- a. "Applicant" means a person applying for a permit for a broadband network project.
- b. "Broadband network project" means the construction or deployment of wireline or wireless communications facilities to

provide broadband communications services in the [political subdivision].

c. "Permit" means any local permit, license, certificate, approval, registration, or similar form of approval required by policy, administrative rule, regulation, ordinance, or resolution with respect to a broadband network project.

d. "Written" or "in writing" means information that is inscribed on a tangible medium or that is stored in an electronic or other intangible medium and is retrievable.

(3) **Point of contact.** Bayfield County shall appoint a single point of contact for all matters related to a broadband network project. Bayfield County shall provide on its public website the contact information, including the e-mail address, for the point of contact authorized to receive a broadband network project application.

(b) Electronic submission of Applications. An applicant may sign and file all forms, applications and documentation related to a broadband network project electronically.

(c) Review of Applications. Notwithstanding any other provision in Bayfield County ordinances, resolutions, regulations, policies or practices to the contrary, the following process shall apply exclusively upon receiving a broadband network project application:

(1) **Completeness review.** Upon receiving a broadband network project application Bayfield County shall:

a. Determine whether an application is complete and notify the applicant of the determination by Bayfield County in writing within 10 calendar days of receiving an application. If Bayfield County does not notify the applicant in writing of its completeness determination within 10 calendar days of receiving the application, the application shall be considered complete.

b. If Bayfield County determines that an application is not complete, the written notification to the applicant shall specify in detail the required information that is not complete. The applicant may resubmit an application as often as necessary until the application is complete.

(d) Approval or denial of complete applications.

(1) Within 60 calendar days of receiving an application that is complete, or considered complete under sub. (1), Bayfield County shall approve or deny the application and provide the applicant written notification of the approval or denial. If Bayfield County does not notify the applicant of its approval or denial within 60 calendar days of receiving a complete application, the application shall be considered approved and any required permit shall be considered issued.

(2) If Bayfield County denies an application, the written notification of the denial under sub. (1) shall include evidence that the denial is not arbitrary and capricious.

(e) Fees. Any fee imposed by Bayfield County to review an application, issue a permit, or perform any other activity related to a broadband network project shall be reasonable. An application fee that exceeds \$100 is unreasonable.

Scott S. Fibert, *Bayfield County Clerk*